

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
MONDAY, THE TWENTY FIRST DAY OF JUNE TWO THOUSAND AND TWENTY
ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY
WRIT PETITION NO: 13712 OF 2021

Between:

NMDC Limited,, Sponge Iron Unit, Paloncha, Khammam District, Telangana State.
Rep. by K. Praveen Kumar, Chief General Manager (Law)

Petitioner

AND

Northern Power Distribution Company of Telangana Limited, Rep. by Superintending
Engineer, Operation Circle, Bhadradi, Kothagudem, Khammam District, Telangana
State.

Respondent

WHEREAS the Petitioner above named through its Advocate SRI K RAGHAVA CHARYULU presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased To issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the demand notice under Letter No.SE/Op/BKGM/SAO/AAO/ JAO (HT)/D.No.189/21, dated 08.06.2021 issued by the respondent is arbitrary, illegal and violative of Articles 14 and 19(1)(g) of the Constitution of India;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri K RAGHAVA CHARYULU Advocate for the Petitioner, directed issue of notice to the Respondent herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

The Superintending Engineer, Northern Power Distribution Company of Telangana Limited, Operation Circle, Bhadradi, Kothagudem, Khammam District, Telangana State.

are directed to show cause on or before 12/07/2021 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2021:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the impugned demand notice under Letter No.SE/Op/BKGM/SAO/AAO/JAO(HT)/D.No.189/21, dated 08.06.2021 issued by the respondent demanding payment of Rs.10.93 Crores pending disposal of the Writ Petition No. 13712 of 2021, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Learned Standing Counsel seeks time for filing counter.

Post on 12.07.2021 along with W.P. No.12879 of 2021.

Having regard to the fact that the Hon'ble Supreme Court vide judgment in Civil Appeal No.8969 of 2003, dated 29.11.2019, has already upheld the levying of Gird Support Charges, the only issue involved in the present writ petition is with regard to the quantum of interest levied by the official respondents. Unless and until a counter is filed by the respondent-Corporation, the same cannot be gone into at this stage. *Prima facie* this Court is of the opinion that the levy of interest of Rs.8.06 crores on the Grid Support Charges of Rs.2.87 crores is liable to be stayed till the said issue is resolved in the present writ petition.

Hence, there shall be an interim direction to the official respondents not to take any coercive steps against the petitioner subject to the petitioner paying 25% of the Gird Support Charges of Rs.2.87 crores within a period of two weeks from today and another 25% amount within a period of four weeks thereafter. Insofar as interest amount of Rs.8.06 crores is concerned, there shall be an interim stay pending further orders of this Court. In case the petitioner does not pay the above amount within the time stipulated by this Court, the official respondents are free to take necessary action, as per law. Any amounts paid by the petitioner shall be subject to the final result of the writ petition and without prejudice to the rights of both the parties.

The respondent-Corporation shall file its counter by the next date of hearing.

SD/- K. SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Superintending Engineer, Northern Power Distribution Company of Telangana Limited, Operation Circle, Bhadradi, Kothagudem, Khammam District, Telangana State (by RPAD along with a copy of petition and affidavit)
2. One CC to SRI. K RAGHAVA CHARYULU Advocate [OPUC]
3. One spare copy

HIGH COURT

AARJ

DATED:21/06/2021

POST ON 12.07.2021 ALONG WITH
WP NO.12879 OF 2021

NOTICE BEFORE ADMISSION

WP.No.13712 OF 2021

INTERIM DIRECTION & INTERIM STAY



[Handwritten signature]